



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 19 2002

**GENERAL NOTICE LETTER
CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Patricia Russo, President
Lucent Technologies, Inc.
600 Mountain Avenue
Murray Hill, New Jersey 07974

RE: Diamond Alkali Superfund Site
Notice of Potential Liability for
Response Actions in the Passaic River Study Area, Newark, New Jersey

Dear Ms. Russo:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. §9601 et seq.

EPA has documented the release or threatened release of hazardous substances, pollutants and contaminants into the Passaic River Study Area which is part of the Diamond Alkali Superfund Site ("Site") located in Newark, New Jersey. By this letter, EPA is notifying Lucent Technologies, Inc. ("Lucent") of its potential liability relating to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a). Under CERCLA, PRPs include current and past owners of a facility, as well as persons who arranged for the disposal or treatment of hazardous substances at the Site, or the transport of hazardous substances to the Site.

Sediment in the Passaic River contain numerous hazardous substances, pollutants and contaminants. Based on information that EPA has evaluated during the course of its investigation of the Site, EPA believes that hazardous materials were being released from the former Western Electric facility located at 100 Central Avenue in Kearny, New Jersey, into the Passaic River Study Area. Hazardous substances, pollutants and contaminants released from the facility into the Passaic River Study Area present a risk to the environment and the humans who may ingest contaminated fish and shellfish. Therefore, Lucent may be potentially liable for all response costs which the government may incur relating to the Passaic River Study Area.

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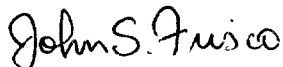
Under Sections 106 (a) and 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a) and other laws, potentially responsible parties ("PRPs") may be obligated to implement response actions deemed necessary by EPA to protect public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. If response actions are performed by EPA rather than by the PRPs, those PRPs may be subject to legal action pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a), to recover public funds expended by EPA in response to the release and threatened release of hazardous substances at the Site. Such actions and costs may include, but need not be limited to, expenditures for conducting a Remedial Investigation/Feasibility Study ("RI/FS"), a Remedial Design/Remedial Action, and other investigation, planning, response, oversight, and enforcement activities. In addition, responsible parties may be required to pay damages for injury to, destruction of, or loss of natural resources, including the cost of assessing such damages.

For your information, some RI/FS work has been performed in the Study Area by Tierra Solutions, Inc. ("TSI"), formerly known as Chemical Land Holdings, Inc., pursuant to certain contractual arrangements with the Occidental Chemical Corporation, under an Administrative Order on Consent. TSI can be contacted at the addresses listed in the Attachment to this letter. Other PRPs who have received Notice letters are also listed in the Attachment. This list represents EPA's findings on the identities of PRPs to date. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site. Be advised that notice of your potential liability at the Site is being forwarded to OCC by EPA.

Pursuant to CERCLA Section 113(k), EPA must establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain the documents related to the response action selected for this Site are located at U.S. EPA, Region II, 290 Broadway, 18th floor. You may call the Records Center at (212) 637-4308 to make an appointment to view the administrative record for the Passaic River Study Area.

If you wish to discuss this further, please contact Mr. Winfield at (212) 637-4362 or Ms. Reddy at (212) 637-3106. Please note that all communications from attorneys should be directed to Ms. Reddy.

Sincerely yours,



for George Pavlou, Director
Emergency and Remedial Response Division

Attachment

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cc: Ralph L. McNurry, Esq.
Lucent Technologies, Inc.

Paul W. Herring, Esq.
Andrews & Kurth

Mr. Richard P. McNutt
Tierra Solutions, Inc.

Sarah Hurley, Esq.
Robinson & Cole LLP

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Contacts for Tierra Solutions, Inc. (f/k/a Chemical Land Holdings, Inc.):

Technical	Legal Counsel
Richard P. McNutt Tierra Solutions, Inc. Two Tower Center Blvd., 10 th Floor East Brunswick, New Jersey 08816 Telephone: 732-246-5849	Paul W. Herring, Esq. Andrews & Kurth L.L.P. 1717 Main Street, Suite 3700 Dallas, Texas 75201 Telephone: 214-659-4504

PRPs in Receipt of Notice Letters:

PRP	LEGAL COUNSEL
J. Roger Hirl President and Chairman of the Board Occidental Chemical Co. Occidental Tower 5005 LBJ Freeway Dallas, TX 75244	Paul W. Herring, Esq. Andrews & Kurth L.L.P. 1717 Main Street, Suite 3700 Dallas, Texas 75201 Telephone: 214-659-4504
President Chris-Craft Industries, Inc.* 767 Fifth Avenue, 46th Floor New York, NY 10153	Peter Simshauser, Esq. Skadden, Arps, Slate, Meagher & Flom 300 South Grand Avenue Los Angeles, CA 90071-3144
President Reilly Industries, Inc.* 1510 Market Square Center 151 North Delaware Street Indianapolis, IN 46204	General Counsel Reilly Industries, Inc.
Chairman of the Board The Sherwin-Williams Company* 101 Prospect Avenue, N.W. Cleveland, OH 44115-1075	Environmental Counsel The Sherwin-Williams Company
President Alcan Aluminum Corporation* 100 Erieview Plaza, 29th Floor Cleveland, OH 44114	Senior Counsel Alcan Aluminum Corporation 6060 Parkland Blvd. Mayfield Hts., OH 44124

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President Ashland Chemical Company* P.O. Box 2219 Columbus, OH 43216	Senior Litigation Counsel Ashland Chemical Company 5200 Blazer Parkway Dublin, OH 43017
Chief Executive Monsanto Company 800 N. Lindbergh Blvd. St. Louis, MO 63167	Assistant Environmental Counsel Monsanto Company
President Benjamin Moore & Co.* 51 Chestnut Ridge Road Montvale, NJ 07645	General Counsel Benjamin Moore & Co.
Chairman E.I. du Pont de Nemours and Company 1007 Market Street Wilmington, DE 19898	Corporate Counsel E.I. du Pont de Nemours and Company
Vice President of Operations 360 North Pastoria Environmental Corp. 1100 Ridgeway Avenue Rochester, NY 14652-6280	
President Eastman Kodak Company 343 State Street Rochester, NY 14650	General Counsel Eastman Kodak Company
President Bayer Corporation 100 Bayer Road Pittsburgh, PA 15205-9741	General Counsel Bayer Corporation
President Otis Elevator Company* North American Operations 10 Farm Springs Road Farmington, CT 06032	General Counsel Otis Elevator Company
President Public Service Electric & Gas Company* P.O. Box 570 Newark, NJ 07101-0570	General Environmental Counsel Public Service Electric & Gas Company

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President Lucent Technologies, Inc. 600 Mountain Avenue Murray Hill, New Jersey 07974	Ralph McMurry, Esq. Hill, Betts & Nash LLP 1 Riverfront Plaza, Suite 327 Newark, NJ 07102-5401
President Alliance Chemical, Inc. Linden Avenue Ridgefield, New Jersey 07657	Fred L. Pearlmutter, Esq. Cooper, Rose & English, LLP 480 Morris Avenue Summit, New Jersey 07901-1527

* Indicates PRPs who have joined the Passaic River Watch Group.

Counsel: Sarah Hurley, Esq.
Robinson & Cole LLP
695 East Main Street
Stamford, CT 06904-2305

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard A. McGinn, President
Lucent Technologies, Inc
600 Mountain Avenue
Murray Hill, New Jersey 07974

2. Article Number 7001 0360 0000 1582 0096
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature B. Rosko ☐ Agent
☒ Addressee

B. Received by (Printed Name) B. Rosko C. Date of Delivery 06/20/01

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

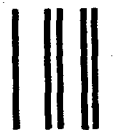
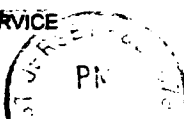
4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-01-M-2509

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-40

• Sender: Please print your name, address, and ZIP+4 in this box •

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